HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.12594 OF 1998

Between:

Maddukuru Lakshmaiah S/o Subbaiah

...Petitioner

AND

1. The Depot Manager, APSRTC, Jaggaiahpet Dept, Krishna District and two others.

.....Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12594 OF 1998

ORAL ORDER:

This Writ Petition is directed against the award dated 19.3.1997 of the Labour Court , Guntur in I.D.No. 46 of 1993. The petitioner laid a claim under Section 2A (2) of the Industrial Disputes Act, 1947, seeking invalidation of the order of dismissal from service and consequent reinstatement into service.

The petitioner was initially appointed as a casual Conductor on 10.11.1989 and a regular conductor from 19.6.1990, in the respondent-Corporation. According to the Corporation even during the early period of service, he was found guilty of cash and ticketing irregularities and for which, annual increments were deferred on 8.1.1991.

On 23.4.1992 while the petitioner was conducting vehicle No. AEZ/6335 on the route Jaggaiahpet to Anjalipuram, there was a check at stage No. 10/11 and serious cash and ticketing irregularities were detected. Eventually, a charge sheet containing four charges was issued to the petitioner relating to violation of the "issue and start" Rule; another charge relating to collection of Rs. 2.25 ps from a lady passenger and issuing an invalid ticket; a third charge of having collected Rs. 12/- from the batch of four passengers and issuing four tickets of Rs. 3/- denomination each, which were invalidated and further collecting Rs. 1.50 ps from a chargeable child and not issuing any ticket at all; and a fourth charge of having collected Rs. 2.25 ps from a passenger and issuing an invalid ticket. The spot statements of the passengers were recorded and they were adduced during the domestic enquiry. The travelling ticket inspector also deposed that on verification of the tickets issued by the petitioner to the passengers after collecting fare these were found to be invalid and tickets drawn up in earlier journeys.

Eventually after a due process of enquiry, the petitioner was visited with the punishment of dismissal of service.

Considering the validity of the domestic enquiry, the labour court in a preliminary adjudication on the validity of the domestic enquiry recorded an order dated 13.8.1986, holding the domestic enquiry to be legal and valid. In the order under review herein, the Labour Court found that there was ample, cogent and credible evidence in the domestic enquiry, which legitimately establishes that the petitioner is guilty of all the charges leveled against him. The charges are also grave and the punishment of dismissal proportionate to the gravity of the charges, held proved. On such analysis the labour court declined to grant relief to the petitioner.

This court discerns no infirmity, warranting interference under Article 226 of the Constitution of India. There are no merits.

Accordingly, the Writ Petition is dismissed. No order as to costs.

GODA RAGHURAM, J

Date: 13.06.2007
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